

# State of South Dakota

## EIGHTY-FIRST SESSION LEGISLATIVE ASSEMBLY, 2006

159M0620

### SENATE BILL NO. 191

Introduced by: Senators Greenfield, Abdallah, Bartling, Bogue, Duniphan, Gant, Kloucek, Koetzle, McNenny, Moore, Olson (Ed), Sutton (Dan), and Sutton (Duane) and Representatives Willadsen, Boomgarden, Brunner, Elliott, Faehn, Garnos, Halverson, Hennies, Jensen, Klaudt, McCoy, Pederson (Gordon), Putnam, Rausch, and Sebert

1 FOR AN ACT ENTITLED, An Act to permit certain organizations to conduct card game  
2 tournaments.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 22-25 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 As used in this chapter, a card game tournament, means an organized card game in which  
7 a player pays a buy-in which permits a player to engage in competitive play against other  
8 players. For the purposes of this section, a buy-in, means an advertised entry fee paid by each  
9 player to participate in the card game tournament. Before a card game tournament begins, the  
10 organization shall post a notice containing the rules; the prescribed number of chips, if any, to  
11 be received by each player; the value of the chips, if any; the places which will be declared  
12 winners; and the amount or percentage of prize money to be disbursed. The amount of prize  
13 money disbursed, however, may not exceed seventy-five percent of the total amount paid by the  
14 players for the buy-in fee.



Section 2. That § 22-25-25 be amended to read as follows:

22-25-25. The game, bingo, as defined in § 22-25-23, card game tournament as defined in section 1 of this Act, or lottery, as defined in § 22-25-24, may not be construed as gambling or as a lottery within the meaning of § 22-25-1, if:

(1) The bingo game, card game tournament, or lottery is conducted by a bona fide congressionally chartered veterans' organization; a religious, charitable, educational, or fraternal organization; a local civic or service club; a political party; a volunteer fire department; or a political action committee or political committee on behalf of any candidate for a political office which exists under the laws of the State of South Dakota;

(2) The proceeds therefrom do not inure to the benefit of any individual;

(3) No separate organization or professional person is employed to conduct or assist with the bingo game, card game tournament, or lottery ~~or assist therein~~;

(4) No compensation of any kind in excess of the state minimum wage per hour or sixty dollars, whichever is greater, in value is paid to any person for services rendered during any ~~bingo session in connection with the conduct of the~~ bingo game, card game tournament, or ~~in consideration of any~~ lottery. However, the provisions of this subdivision do not apply to games, card game tournament, or lotteries conducted in connection with any of the following events: a county fair conducted pursuant to § 7-27-3, the state fair conducted pursuant to chapter 1-21, or a civic celebration recognized by resolution or other similar official action of the governing body of a county, or municipality, or village;

(5) No prize in excess of two thousand dollars ~~is~~ may be awarded at any one play of bingo, in excess of five thousand dollars for any one player of a card game

tournament, and ~~no lottery prize is~~ in excess of thirty thousand dollars in value for  
any lottery. However, a lottery prize of thirty thousand dollars or less in value may  
also be given to a person who sells a winning lottery ticket or share as long as the  
winning lottery ticket or share is selected at random;

(6) The organizations authorized under subdivision (1) of this section, before conducting  
a bingo game, card game tournament, or before selling any chances for a lottery shall  
give thirty days' written notice of the time and place thereof to the governing body  
of the county or municipality in which it intends to conduct the bingo game, card  
game tournament, or lottery, ~~and the~~. The organization may conduct the bingo game,  
card game tournament, or lottery if the governing body does not pass a resolution  
objecting thereto. However, any organization that conducts a lottery and the tickets  
or shares for ~~such~~ the lottery are sold state-wide shall provide written notice of ~~such~~  
the lottery pursuant to this subdivision only to the secretary of state and to the  
governing body where the drawing for ~~such~~ lottery is will be held. A municipality  
pursuant to § 9-29-5 may by ordinance prohibit within the municipality the sale of  
lottery tickets or shares for ~~such~~ any lottery issued pursuant to this section; and

(7) No organization authorized to conduct a bingo game, card game tournament, or  
lottery under subdivision (1) of this section may enter into any lease or agreement  
with any other person or organization to provide equipment or services associated  
with the conduct of a bingo game, card game tournament, or lottery. However, this  
subdivision does not apply to any lease or agreement with a distributor licensed  
pursuant to §§ 22-25-28 to 22-25-51, inclusive, to provide bingo, card game  
tournament, or lottery equipment and supplies.

Section 3. That § 22-25-26 be amended to read as follows:

- 1        22-25-26. Any person who conducts a bingo, card game tournament, or lottery in violation
- 2    of § 22-25-25 is guilty of a Class 2 misdemeanor.